UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:19-cv-00434-RJC-DSC

JEFFERY NICHOLS,)	
Plaintiff,)	
v.)	ORDER
HUESKER INC. and HUESKER SYNTHETIC GMBH,))	OILDEIL
Defendants.)))	

THIS MATTER comes before the Court on Defendant Huesker Synthetic GmbH's motion to dismiss, (Doc. No. 4), and the Magistrate Judge's Memorandum & Recommendation ("M&R"), (Doc. No. 15).

I. BACKGROUND

On September 5, 2019, Plaintiff filed his pro se complaint asserting claims for disability discrimination and retaliation under the Americans with Disabilities Act of 1990. (Doc. No. 1.) On October 29, 2019, Defendant Huesker Synthetic GmbH filed its motion to dismiss pursuant to Rule 12(b)(5). (Doc. No. 4.) In the M&R, the Magistrate Judge recommended that this Court grant Defendant's motion. (Doc. No. 15, at 4.) The Magistrate Judge advised the parties of their right to file objections within fourteen days, (Doc. No. 15, at 4); however, no objections were filed, and the time for doing so has expired.

II. STANDARD OF REVIEW

The district court may assign dispositive pretrial matters pending before the

court to a magistrate judge for "proposed findings of fact and recommendations." 28 U.S.C. § 636(b)(1)(B). The Federal Magistrate Act provides that a district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." <u>Id.</u> § 636(b)(1); <u>Camby v. Davis</u>, 718 F.2d 198, 199 (4th Cir. 1983). "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond v. Colonial Life & Acc. Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

III. DISCUSSION

As no objection to the M&R has been made, the parties have waived their right to de novo review of any issues covered in the M&R. After review of the M&R and the entire record, the Court determines that the recommendation of the Magistrate Judge to grant Defendant's motion to dismiss is fully consistent with and supported by current law. Therefore, the Court adopts the M&R.

IV. CONCLUSION

IT IS THEREFORE ORDERED that:

- 1. The Magistrate Judge's M&R, (Doc. No. 15), is **ADOPTED**;
- Defendant Huesker Synthetic GmbH's motion to dismiss, (Doc. No. 4),
 is GRANTED; and
- 3. Defendant Huesker Synthetic GmbH is **DISMISSED** from this action.

Signed: June 5, 2020

Robert J. Conrad, Jr.

United States District Judge